

## **Remarks**

Applicants have amended claims 1 and 21. No new matter has been added to the application by virtue of the present amendments. Applicants respectfully submit that the present response places the present application in condition for allowance or in better condition for purposes of appeal.

### **Claim Rejections - 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 10, 12-16 and 21 under 35 U.S.C. § 102(b), as being anticipated by Hailey et al., U.S. Patent No. 6,337,798, hereinafter Hailey.

Applicants respectfully submit that Morris does not anticipate Applicants' independent claim 1, as amended, or claims dependent thereupon. Applicants have amended claim 1 to recite the limitations of "...a first continuous power plane layer ..." (for example, see [0023] and FIG. 2A of the present application) and "...a first pair of adjacent conductive vias comprising corresponding end portions, each of said corresponding end portions terminate upon an upper surface of said first continuous power plane layer, ..." (for example, see paragraphs [0024, 0037] and FIG. 2A of the present application).

Hailey fails to anticipate, teach or suggest Applicants' claim 1, as amended. Hailey is silent on a continuous power plane layer. Rather, Hailey discloses in FIG. 3 that power plane layer 32 is made up of separate, discrete layers which are physically separated by vias 46, 47. Hailey is also silent on corresponding end portions of adjacent conductive vias terminating upon the same upper surface of the power plane layer. Rather, Hailey discloses in FIG. 3 that corresponding end portions of adjacent conductive vias 45-46, or 46-48, or 47-48 terminate upon different upper surfaces, not the same upper surface of power plane layer 32. Hailey requires the end portions of the adjacent vias to terminate at different surfaces so that proper electrical connections may be made to the plates of capacitors C1, C2.

Claims 2, 10, 12-16 and 21 are dependent upon Claim 1, and, as discussed above, Claim 1, as amended, is not anticipated by Hailey. Therefore, Applicants respectfully submit that the rejection of claims under 35 U.S.C. 102(b) in view of Hailey has been overcome and it is respectfully requested that the pending claims be passed to issuance in view of the amendment and remarks.

## **Conclusion**

In light of the foregoing remarks, all of the claims now presented are believed to be in condition for allowance, and Applicants respectfully request that the outstanding rejections be withdrawn and this application be passed to issue at an early date.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application. No fee is due by virtue of this response. However, if the PTO determines that a fee is required, please charge Applicants' Deposit Account, 09-0456.

Respectfully submitted,  
For: Jean-Francois Fauh et al.

By: /Anthony J. Canale/\_\_\_\_\_

Anthony J. Canale  
Registration No. 51,526  
Telephone No.: (802) 769-8782  
Fax No.: (802) 769-8938  
EMAIL: acanale@us.ibm.com

International Business Machines Corporation  
Intellectual Property Law - Mail 972E  
1000 River Road  
Essex Junction, VT 05452